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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,278	11/10/1999	WILLIAM J. DONOVAN	33-99-001	7771

5073 7590 01/23/2004

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

PORTER, RACHEL L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/437,278

Applicant(s)

DONOVAN ET AL.

Examiner

Rachel L. Porter

Art Unit

3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed ^{revised} amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 2-4, 7-8, 10-11, 14-20, 25-30.Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOSEPH THOMASSUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: The claim language does not overcome the art rejection of record and the Applicants' arguments are not persuasive.

(A) On page 8 of the 12/18/03 response, the Applicants have challenged the Official Notice statement that "the use of Prolog is old and well known the computer arts" in the rejection of claim 16 in the previous Office Action (Paper No. 16).

In response, MPEP §2144.03 (A) states the following: "To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR1.111(b)." (emphasis added) The Applicants have not provided such a statement in the 12/18/03 response. Therefore, it is respectfully submitted that the applicants' challenge of the noticed statement in the rejection of claim 16 is improper.

However, the Examiner will provide examples to support the noticed fact that the use of Prolog is old and well known in the computer arts. Takeuchi et al (JP 63109530 A) teaches the use Prolog to retrieve data from a relational database (see Abstract). Also, Umemura et al (USPN 4,546,432) discloses the use of Prolog in linking information from a plurality of data tables with various formats (see Abstract and col. 2, lines 14-59).

It should be noted that the references discussed above are provided merely to support for the Official Notice in response to the Applicant's challenge, as required by MPEP §2144.03 (C). However, the newly cited references do not constitute a change in the grounds of rejection provided in Paper No. 16.

(B) On pages 8-9 of the 12/18/03 response, the Applicant argues that Bohannon fails to disclose a "second reservation record" and all of the limitations of the claims, namely claim 24.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Moreover, the test for obviousness is not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In the present case, Bohannon has been cited to disclose a system and data store that receives and maintains multiple versions of a file with timestamps. The system also accommodates multiple file types (e.g. formats). (col. 3, lines 52-60) Furthermore, as per the Applicant's arguments on page 8, paragraph 3, the Examiner understands the update transaction described in Bohannon (e.g. col. 4, lines 10-26) to mean that when an update transaction is desired, the system archives a version of the file before modifications are made "to make this file the most recent 'past' version" (i.e. a first record relating to a first type of record) (col. 4, lines 15-27) and then makes the modified copy of the file "the new 'current' (or successor) version of the same." In other words, the Bohannon system receives (e.g. from a service provider) and maintains different versions of records with different timestamps. (i.e. a first record and a second record relating to the first type of record.)

Bohannon has not been relied upon to disclose that the two records received and maintained are different formats or that the files contain travel and reservation information. However, Bohannon does disclose that the system accommodates a plurality of file types. Dettelbach has been relied upon to disclose a system wherein travel and reservation information is received from a single service provider in a plurality of formats. (col. 4, lines 41-52, line 60-col. 6 line 15). It is this combination that has been provided to address the recited claim limitations of claim 24, as explained in the Final Rejection, Paper No. 16.

It is apparent that the Applicant intends particular definitions with the recitation of the terms "service provider" and "format" in the current claim language. However, the Applicant does not point out and the Examiner was unable to find definitions of these terms in the current claim language or in the originally filed disclosure to support a narrow interpretation of the terms "service provider" or "format." In the absence of such definitions, the Examiner must give the claim language the broadest reasonable interpretation. The Examiner understands the term "service provider" to include any entity (e.g. computer, human operator, memory component, software component) that provides a service, including the generic storage or transmission of information. If the Applicant intends to limit the interpretation of the term to include certain types of service providers (e.g. travel agents, airlines companies, transportation providers, hotels), then the claim language should reflect such limitations. Alternatively, the Applicant should specify portions of the originally filed disclosure which clearly define the term. It should be noted that non-committal or exemplary language in the specification (e.g. "service providers may include...") does not provide a clear definition of a term.

As in previous responses, the Applicants again argue that Dettelbach teaches "specifies a precise format for each record type." While Dettelbach converts files to a transfer file (i.e. .XFR) with ASCII data, there are still various formats within the file(s). For example, the Dettelbach reference demonstrates that the format of the customer data (i.e. Record_Type, Reference_Number, Transaction_Date, Customer_Code, Name, Address1, Address2, City, State, Country, Address_Code, ...) is distinct from the travel data code format (i.e. Record_Type, Reference_Number, Travaco_Data_Code). Whether or not the file has been converted to a ".XFR" file, the Examiner submits that there are different formats found the file(s).

The Examiner understands the term "format" to encompass various meanings including, but not limited to the extension/file type, text versus numerical data, different fields provided in a table or a database (e.g. Dettelbach: Figures 5A-5B). Again, if the Applicant intends to limit the interpretation of the term "format", then the claim language should reflect such limitations. Alternatively, the Applicant should specify portions of the originally filed disclosure, which clearly define the term. Again non-committal or exemplary language in the specification (e.g. "format types may include...") does not provide a clear definition of a term. .